1875.
(L.R.).

File No. 12 of 1875
Serial No. 1-4

Sub: Application from M/s Inam Mohamed and company for coffee Lands.

G. R. S. IX-5]

Previous references. 1875 — LR File No. 127/1875

~~191~~ .

Serial Nos. 1—4

(LR)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1——4

Major ~~Part~~ B for December 1878

SUBJECT.

Application from Messrs: Juma Mohamed and Co.,

for Coffee Lands.

Indexed

W D 88—GPB—50,000—24-7-16

No 332 Note

Memorandum

Petition dated 18th October 1875 from Jaun Mahomed & Co. of Bangalore requesting that the sale of their Coffee Estate mentioned in Patta No. 176 may be stopped.

Submitted for orders.

2. The Petitioners state that 3 Pattas Nos. 90, 120 and 176 were transferred to them by Mr. C. Durand in 1867; but from the entries in the Coffee Registers of this Office, they appear to have no claim to the Estate mentioned in Patta No. 176, for it stands in the name of Messrs Soobroy Chetty & Co. and A. Durand, to whom it was transferred by Mr. C. Durand, the original Pro-

Proprietor.

3. It would appear from the enclosures to the Petition that the land to the sale of which the Petitioners object is the one advertized in the Mysore Gazette of the 2d October 1875 at Pages 492-493, for sale on the 25th Instant; but it will be seen from the marginally noted correspondence that this land originally belonged to Mr C. Durand, and that it was subsequently resumed by Government owing to his failure to take charge of it within the period mentioned in the Secretary's Docket No. 5268/166 of the 26th January 1870. Under such circumstances it is not clear how Mr C. Durand can, without a title for the land in question, transfer it to the Petitioners, and how the latter can obtain it without

× No. 3650/150 of 27th November 1869 from Superte Asstagram Dy.
" 4494/147 of 2d December 1869 to Superte Asstagram Dy
" 4259/183 of 20th January 1870 from Superte Asstagram Dy
" 5268/166 of 26th January 1870 to Superte Asstagram Dy.

(5) without any Title Deeds. They have not produced the original or copy of the Deed of transfer conveying the property to them.

20/10/78

Assistant.

The land adverted for sale in No. 1764. which Petitioners have established in their Petition &c. Circumstances &c. Right. be confirmed that C.C. declines to interfere.

21/10 Jsmn.

1875.

From I am Sir

To The Hon'ble T. A Dalyell Esq^r
In C. & A.
C. & A. Ch. Court of Inquiry

Dated 18th Oct^r/75

Despatched

Received

ENCLOSURES NO.

General No. Petition
No.

Requests a duplicate
Patta on Dawan-Kom-
ree and Bagdal Jungle.
in the Kalyan Dt^t. and
to direct the sale of the
Jungles advertized
for the 25-10-75 being
Cancelled. —

To

The Honorable P. A. Dalyell Esq. M. C.

Offg. Chief Commissioner of Mysore

Bangalore.

The Humble Petition of Messrs Isaac Mahomed and Company of Bangalore.

Sheweth.

That your Petitioners have been in undisturbed possession of the Coffee Estates known as "Kadahala" Kapegal; and Hully Guadai situated in Munzerabad from the year 1867.

2 That Puttas Nos 90, 120, 176 of the said Estates were granted in the year 1864 to C. Durand of Munzerabad

3 That the said C. Durand transfered the Puttas of the said Estates to your Petitioners and another on or about the 4th November 1867.

4 That your Petitioners are in possession of Puttas Nos 90 and 120,

5 That in August 1868 the said C. Durand left for England

6 That on or about the 28th October 1868
your Petitioners applied to the Deputy
Commissioner of Hassan for a duplicate
Copy of Patta No 176 and received the
Dockets here to annexed —

7 That your Petitioners in September
last were informed by their Overseer
that the Kadahulla Estate was
notified to be sold by Public Auction
on the 25th October under the Orders
of the Deputy Superintendent of Hassan

8 That thereupon your Petitioners on the
1st October addressed a letter to the said
Deputy Commissioner & Copy whereof is
herewith annexed setting forth their
Claim to the said Estate and
praying that the Sale be stayed,

9 That your Petitioners were favoured
with a Docket from the said Deputy
Commissioner drawing attention to a certain
notification published in Vol I Mysore
Gazette (Page 491) Calling upon
Mr C. Durand to take possession
of the Coffee Jungle (Vide Copy annexed)

10 That your Petitioners on the 13th instant
addressed another letter to the said Dpty
Commissioner a Copy whereof is herein

annexed Setting forth more fully the
Claim to the Estate and describing
its present State and Condition,

11 That your Petitioners are at a loss
to understand why the Deputy Com=
=missioner of Hawaii should have
called upon Mr C. Durand in June
1870 to resume possession of the
said Estate when from the Records
of the said office it was clear
that Mr C. Durand had trans=
=ferred his interest in the Estates
to your Petitioners so far back
as 1867 —

12 That your Petitioners have
from time to time Spent large
sums of money on the said
Kadashulla Estate, and the
Estate is now Planted with upwards
of 7000 Coffee Plants and is in
working Order, and the Estates
has been under the Control
and management of your
Petitioners —

13 That your Petitioners have reason to believe that the Title of the aforesaid Estates has been lost or mislaid by Mr C. Duran

Your Petitioners therefo[re] pray that you will be pleased to Call for all the Correspondan[ce] and Papers of and in any ways Connec[ted] with the said Estate and Grant of a duplicate Title to them and pending the disposal of their Claim to direct the Sale of their Estate advertised for the 25th Octr be stayed And your Petitioners will ever pray

Jean Mahomed

Bangalore
18th October 1875

1868 *True Copies*

From The Dy. Superintendent Hassan District

To Capt. Sam Browne Kt Bangalore

Date 9th
Despatched do
Received
General No 227 } 1868 — 69.

In reply to their letter dated 28th ultimo informing that their request for a duplicate Copy of Pattah No 176 for a Jungle attached to the Wadoor Village Maharajdroog Taluk Cannot be Complied with, as the Dy Superintendent is not Satisfied that the Original delivered to Mr Durand is lost suggests that they should Communicated with Mr Durand,

(Sign) E.C. Shuckburgh Capt R
Dy. Superintendent

From The Dy. Superintendent

Hassan District

To C. Durand Esq

Nungenahad

Dated 20th November 1867

No 205

Forwards the Originals of the 4 within named Office Pattahs, duly transferred and Signed by the Commissioner and requests that the Fee of Rs 4 for effecting the transfers, may be paid into the Taluk Treasury and the receipt of the Pattahs acknowledged —

(Sign) W. Hill
Dy. Superintendent

Purveyance Estate
Nungenahad
January 2 — 1868

No 90 } Transferred by Mr C. Durand
to 120 } in favour of Mr Sam Bowmen
to 176 } also Mr to Durand
No 152 Transferred by Mr J. Scott in favour
of Mr C. Durand

7

To Captain W. Hill

Dy. Superintendent

Sir

I have the honor to acknowledge Receipt of Jama-dandat No 205 of 26th Nov/67 Containing under Same Cover the Originals of Four Puttahs for Offer Cultivations, and as requested, I have paid into the Talook Treasury Rs 4/ on Account of the Transfer—

I have to Apologize for delay in answering it before—

I have &c

(Signed) C. Durand

1868.

From The Dy Superintendent Horse Art Dist

To Jama-Durbandt Bangalore

Date 24th Oct 1868.

Vol Or 207 of 1868-69—

In Reply to letter dated 5th Inst, forwards Copy of Correspondence noted overleaf with Mr Durand relative to the transfer of the Puttahs for the 4 Acres of land in the Immigrated Talook referred to, and his acknowledgement of their receipt. And informs that no further Communication has been received in this Office from Mr Durand on the subject. The Puttahs are most likely with him

Reminds that all deeds affecting immoveable property have to be Registered in order to render them Valid in a Court of Law—

Sign'd W. Hill
Dy. Superintendent
Hassan Dist

Docket No 205 of 20 Nov 67.
to C. Durand Esq
Letter dtd 9 January 1868.
from C. Durand Esq.

Bangalore Residency Room
1st Octr 1870—

Captain E. Shaw
Offg. Dy. Commissioner
Hassan Dist

Sir We have been informed by our Owners and others that Govt intend to sell by public Auction on the 25th Inst half of our Coffee Estates in Munzerabad Taluk known as "Kadahola" and "Kaneegal"—

2 We are at a loss to understand for what reasons and by what right Government intend to sell any portion of the said Coffee Estates which have been in our possession since 1864. when the Estates were obtained from Government by our partner Mr Durand who transferred the same to us in 1867 as per endorsement dated 4th Nov 67 made by the Chief Commissioner on the Original Pattahs which are now

7

Now in our possession, after the Estates were obtained as aforesaid Mr Dunn worked them on our Joint account till 1867 when he left for England, since then we have had them worked At Considerable Cost by Mr Bailey and subsequently Mr Mr Dove, Mr Brickleton who has an estate adjoining ours and who has kindly looked after our Estates occasionally. Can testify to all this –

3 Under the above Circumstances we shall feel very much obliged by your informing us at an early date on what grounds and by what Right Government intend to sell part of the Said Estate – We must also ask You to kindly direct that the intended Sale Stays till this Matter is finally settled either by You Self or the higher Revenue Authorities –

I Sir I am Yours &c

15 1875

From the Dy. Commissioner
Darjeeling District
To J. Ahmed Esq.
Darjeeling

Dated 4th Oct 1875.
Office No 128.

Your letter No 197 dated 1st Oct.

With reference to the above drawn attention
to the notification, published in the Bengal
Gazette Vol IX No 3 dated 16th April 1870 page 49
regarding resumption of the Coffee jungle
belonging to Mr Durand and stating that
he (Mr Durand) failed to appear
in person or by Agent, & therein
desired a further notice advertising
the Sale of the land under the
Chief Commissioner's authority Comptroller
in his Secy No 2168 dated 26 July 1870,
to the address of the Commissioner Northern
Division, was thereupon been published
at page 492 — 493 of the Bengal Gazette
No 39 dated 2nd Oct 1875 — of the land
alluded to, by Mr J. Ahmed & the
same, with the one mentioned in the
notification above alluded to, it will
be seen that it is to be sold on
the 26th Oct for reasons specified
therein,

It is not clear from the letter under
reply what is the present condition
of the estate — of the minimum number
of plants per acre as required by para
5 of the Coffee Rules is now maintained
& what is meant by that

I have

Our Coffee Estates. It should be stated, by whom the other half is held. The Coffee Plates reported to in possession of the Company should be forwarded. Letter under signed for inspection, as early as practicable

(Sgd) [illegible]

Bangalore 13th Oct 1[illegible]

To The Deputy Commissioner
of Coorg Dist
Coorg

Sir

We beg to acknowledge
Receipt of Your Office dated
Oct 12th

The accompanying Correspondence between Your Office Mr. Dun and ourselves will show how matters stand — The Major Hills letter to Mr Dun dated the 20th December 18[illegible] No 205 Jan with reference thereto Public No 176 Jan the Estate You propose to sell by auction along with others we

transpired by the Chief Commissioner
& Mr A. Durand & Mining Com
of C. Durand) and October —
Since then this Statute has
been worked in the manner stated
in our letter to you of the 1st inst —
We enclose Copy of a letter
dated 23d ultimo that we
received from Mr Middleton from
which you will see that about
7000 Cubic Yards have been
put down which is some thing
like 1200 Cubic Yards per acre or more
than double the minimum number
required to be deducted by the
terms of the Grant —
The land which you have
proposed to sell is identical with
that mentioned in Surveyor Mc Lyle
and in Major Hills docket dated
9th November 1869 — Lr 227 —
In Conclusion we must
ask you to kindly state the sale
and refer the whole matter
to the Chief Commissioner for
Orders —

18

No 6223
Ex 1261

13

No 6223
1261

N. C. C. Office
30th Oct 95.
Despy — a — 11

Off. Memo.

In reply to the
petition of the 18th
Inst. x Despn Jain
Mahomed & Co. are
informed that the
claim preferred
by them to the
Estate ~~mentioned~~
mentioned in Patta
No. 176 is untenable
the property in
question stands
in the name of
Despn Loobroy Chuck
& Co. and Wm. A.
Durand - to whom
it was transfered
by Wm. C. Durand

Letter No. 317

who was the original
grantee. but owing
to his failure in
taking possession
of it within the
prescribed period
it was resumed
by Govt. —

Mr. C. Durand
having thereby lost
all claim to the
land had no power
or right to transfer
it to the Petitioners
who have not pro-
duced the alleged
deed of transfer
or any other valid
title to it.

Under the fore-
going circumstances
the A.G. believes

Comm^r declines
to interfere in the
matter.

Offg. Secy.

29/10

B.J.

neglected condition
the Dyboun[illegible] and the
Assistant in charge
of the Coffee Department,
are of opinion that the
above Jam honoured
[illegible] have failed to
substantiate their
right to the Coffee
jungles in question

Sanction is solicited
under the circumstance
for the enforcement of
the resumption clause
in the matter.

I have the honor to be,
Sir,
Your most obd[illegible] Servant,
[illegible]
Commissioner
C.D.[illegible]

To Despatch
24-10-78

1878. O.3269.
116.

From The Commissioner
A.D.C.

To
Secretary to Chief Commissioner,
General Department.

Dated 21st October

Despatched

Received 24/-/-

Enclosures No. 2 sealed packets.

General No. 540
No. 1553 } 187 —7.

Sir

I have the honor to forward the marginally noted correspondence, from which it will be seen that Messrs Jan Mohamed and Co, Bangalore, have applied for certain Coffee jungles therein alluded to, which were originally granted to Mr. Charles Duran and are now in

The Dy Comr, Kapan, No. 877 of 30th Septr. with enclosure (in original)

2/2.

18

No 8.7.707 of 1878-79

Hassan District,
Dy: Commissioner's Office.
Dated 30th September 1878.

From Captain E.P. Maltby
Dy: Commr. Hassan District

To The Commissioner,
Malnad Division.

Sir,

I have the honor to submit the following report regarding certain Coffee jungles applied for by Messrs Jaun Mahomed & Co of Bangalore, as called for in your docket No: 260 of the 19th June 1878.

2.— I append the names and acreage of the jungles in question.

	A.	R.	P.	Yds
Kadahalla	5	2	29	27 3/4
Kappikoolas	16	0	11	2 1/4
Halligudde	3	0	30	16 1/2

3.— These jungles were originally applied for by Mr C Durand, but he only got the pattas (Nos 120 and 207) for the Halligudde and Kappikoolas jungles, as before the other was prepared he left the Country. He did transfer the patta for the Halligudde jungle to Messrs Jaun Mahomed & Co; and the transfer was sanctioned by the Chief Commissioner in 1867.

4—. There is nothing however to support Mesrs. Jaun Mahomed's claim to the other lands beyond their word, and the fact that they have put down a few Opu plants in the Kadahalla and Kuppikoolas jungles.

5—. I enclose the report (letter no: 229 of the 31st ultimo) from the Subdivision Officer, from which you will see that all 3 jungles are in a wretched state.

6—. The Kadahalla jungle has about its proper number of plants. The Kuppikoolas jungle contains 4 or 5,000 plants, whereas it ought to hold 8000. The Halligudde jungle contains 2,000 plants which is in excess of its required number; but they are all old plants put down 20 years or so ago when the land was first given out; and from the Asstt Commissioner's report, it is quite clear that no trouble has been taken with the land.

7—. I am of opinion that Mesrs. Jaun Mahomed & Co have no valid title to the jungles called Kadabulla and Kuppikoolas, as they have failed to produce any evidence; their unauthorized cultivation of these jungles cannot, in my opinion, be allowed to support their claim.

8—. If however, it is held that they have established their claim, I would submit, that they forfeit it and their title to

the Halliyaddé jungle also, by not having cultivated the jungles. From the Sub-Division Officer's report, it is clear that the jungles are waste and have not paid Government any halat from the time they were first planted.

9—. The quantity of land held in Mauzá-ship by Natives, who merely chop down a few plants here and there, and leave the jungle to take care of itself, is enormous and causes great loss to Government, and I submit that when cases like this are brought to light, the conditions on which the land was given out should be rigidly exacted.

10—. The table appended shows the total amount of halat collected annually on the Office since 1865—.

Years	Amount of Halat		
1864-65	19,340	13	1
1865-66	24,342	8	5
1866-67	19,205	14	2
1867-68	28,017	10	1
1868-69	27,367	9	2
1869-70	17,001	5	3
1870-71	19,384	6	1
1871-72	16,351	4	7
1872-73	18,480	9	1
1873-74	11,791	2	10
1874-75	22,609	10	11
1875-76	24,928	2	"
1876-77	14,609	9	"
1877-78	11,614	13	6
Total—	275,050	6	2

11—. The original records together with the petition are herewith forwarded for further reference, if necessary.

I have the honor to be,
Sir,
your most obedient servant.

[signature]

for Dy: Commissioner
Hayward.

bl

D.F.

No: 220

Assistant Commissioner's Office,
Mangalabad Taluk &c.
Dated Yakleep, 31st August 1878.

To

The Deputy Commissioner
Hassan &c &c &c.

Sir,

With reference to your docket No: 58 dated 29th August 1877, and the previous correspondence regarding the Coffee holdings applied for by Mest.rs Jaun Mahomed & Co.s at Bangalore, I have the honor to report that I inspected the spot on 26th instant, accompanied by the Taluk Sheristedar and the villagers, as directed in your docket No 137 dated 16th October 1875, and the result is as follows.

2. In the village of Nadaballi, Kasaba Hobli in the Mangalabad Taluk, Mr. C. Durand holds pattas for 2 pieces of Coffee lands called Kadaballa measuring 1 R P Vgs 5-2-29-2 3/4 and Kuppenhoobo measuring 15-11-11-2 1/4.

3. The pattadar having left India some 12 years ago, and as none of his men were found to enquire the juniglee, a notice was issued by the Dy: Commissioner, inviting his claimants (if any) to produce their claim

otherwise the pensions will be resumed. A term of 6 months was also granted.

4. When this notice was promulgated in the Local Gazette in 1875, the petitioner, Mesrs Jaun Mahomed & Co, sent an urzee to the Dy: Commissioner on 1st October 1875, setting forth his claims thereon; and the docket no: 187 above alluded to was received from the Dy: Commissioner, directing the Office Assistant to inspect the talabs in question, and none of my predecessors have done so, as reported by me in this Office no: 129 dated 21st August 1877, probably for want of time.

5. The petitioner, on the 26th Dec 1876, tendered a darkhast for the above 2 pieces and prayed that a patta may be granted in his name, as he is in possession from a long time by virtue of his having obtained them from Mr Durand.

6. The petition was referred to the Amildar for report (Vide no: 662 dated 20th November 1876) who sent papers of interrogatories to the petitioner, through the Amildar of Bangalore, and the petitioner answered them to the effect that he and Mr Durand were conjointly in the possession of the lands in question, the latter having left India some years ago, he began to improve them from 1868.

7. The petitioner produces no document below as to how the jungles alluded to were transferred in his name.

8. Another piece of Coffee land, called Halli-gaddé, measuring 3—0—30—16¾ is entered in the Talick record in the name of the petitioner which was transferred to him by Mr. Durand in 1867.

9. I issued a notice to the petitioner to be present at the time of inspection. Although it was returned served on him on 31st July 1876, yet neither the petitioner nor any of his agents appeared before me during my inspection, as directed. The notice is filed with the Proceedings.

10. From the enclosed deposition taken by the villagers before me, it is evident that 2000 Coffee plants in the Kadaballa estate appear to have been planted some 10 years ago, and nearly 1000 plants some 2 or 3 years ago.

11. There are about 4 or 5 thousands of Coffee plants in the estate called Kappe-koobo, planted here and there, which seem of about 3 or 4 years old. Moreover the jungle is not cleared, and is in a neglected state.

12. There are about 2 thousands of Coffee

plants in the estate called Halligaddi - which are planted some 20 years ago. No: care seems to have been taken in keeping it in good condition.

13. It appears that nearly 20 maunds of Coffee seed would have been produced annually from each of the 3 Coffee jungles above alluded to, had they been improved and taken care of.

14. The petitioner set forth his claims for the 2 jungles, as the 3rd is transferred in his name, and as Mr. Durand has left India without any of his relatives in this part of the country. The petitioner has however planted some Coffee plants unauthorizedly at his own cost.

15. From the above circumstances, I am of opinion that although the petitioner had not obtained any written authority from Mr. Durand for the two pieces of land, Kadaballa and Kuppekodla, yet he had cultivated them, and his actions might be considered as unauthorized cultivation, and therefore recovering penalty from him, a patta may be granted in his name, on condition of his standing liability to the claims of Mr. Durand if he returns to India.

16. The 3rd jungle Halligaddi stands in the name of the petitioner, and the grant of

of Kabta for the same is not talked of much here.

17. The whole English and the 2 Persian correspondence connected with the above are herewith returned for further reference.

I have &c

"signed"

H Greenway Adams
Asst Commissioner
Mangalore Circle

"Copy"

for Dy: Commr
Kasaragod

Rec'd 1878 Rec'd No 553

From The Dy Commissioner

To Hassan Dist.

The Commissioner,

Ashtagram Dt.

Dated 30th September

Sir: I and can: progo:

No. 877 of 1878-79

Submits report on the complaint of Messrs Jamshedjee & Co of Bangalore setting forth their claim to the Coffee jungles named Kadalulla, Kuppikodla and Kalligudde in the Manjarabad Taluk.

Rs The former on the Case

41

Rec'd 8. 18

The jungles should be measured & applied for in the usual manner

19 Nov 78

26

7257 dated 5th
R82 December
1878

Read Ashtagrami
Commissioner's Docket
No. 546/155 of 21st October
1878 and its enclosures
Recommending the Re-
-cumptions of Hadahalla
and Hupsiekoolo Coffee
Estates in the Kanjira-
-kaid Taluk originally
granted to Mr. Durand
on the grounds that
they are in a neglected
condition and that
Messrs Jami Mahomed
& Co failed to substan-
-tiate their right to
them.

Order thereon

From the Proceedings
Case
Recorded subsequently above
it appears that in the
case of one Restate Hada
-halla, the land has
been

78
4

1848. No 87.

Sir
The Commissioner
Achtagram Divn.

No. 11

Dated — 5th December
Encls 2 and 8
Desps — 9th Do
Regd 7th January 1849 No 7254
R82

Encls 1 Packet sealed
by Drafter
Sent separately

questions - They may
~~if~~ be therefore
given the opportunity
of the map of the
proposed grants
and subscribing it
as agreement to
abide by such
terms as may be
laid down with regard
to the terms of Crown
Grants -

resumption clause, and
as Sepoy Jamir Mahomed
Khan title has not been
disputed, ~~the Chief Com.~~
Mr Gordon
~~missioner to direct~~
they be put in pos-
session of these lands
on their executing the
Deed called for required in
case of applicants for
new lands -

To The Commissioner of the
Ashtaghram Division
Returning the Proceedings -

Secretary

Entered in Ledger

been cultivated to the
full extent tho in a neg-
-legent manner, and in
that of Klapperkoolop,
the Restate has been plant-
-ed to the extent of 2/3ds
nearly. These plants have Cultivated
been put down unauthe-
-rizedly, but some allowance
might be made for the
claimants having
showed also on the ground
that their alleged part-
-ners absconded leaving
the question of title
unsettled, and they have
thus been prevented from
entering into possession
and taking proper mea-
-sures to cultivate. Un-
-der these circumstances
the Chief does not consider it
should not be ex-
-pedient to enforce the
Resumption